

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 20, 2014, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Cathy Beecham, Tracy Corr, Jeanelle Lust, Dennis Scheer, Michael Cornelius, Chris Hove and Ken Weber (Maja V. Harris and Lynn Sunderman absent); Marvin Krout, Steve Henrichsen, Paul Barnes, Tom Cajka, Jean Preister and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission meeting

Chair Jeanelle Lust called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Lust requested a motion approving the minutes for the regular meeting held August 6, 2014. Cornelius moved approval, seconded by Scheer and carried 5-0: Cornelius, Corr, Scheer, Weber and Lust voting 'yes' (Hove abstained; Beecham absent at time of vote; Harris and Sunderman absent).

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 20, 2014

Members present: Beecham, Cornelius, Corr, Hove, Scheer, Weber and Lust; Harris and Sunderman absent.

The Consent Agenda consisted of the following item: **CHANGE OF ZONE NO. 10018A, Amendment to the Nebraska Innovation Campus Planned Unit Development.**

There were no ex parte communications disclosed.

Hove moved approval, seconded by Cornelius and carried 6-0: Beecham, Cornelius, Corr, Hove, Weber and Lust voting 'yes'; Scheer declared a conflict of interest; Harris and Sunderman absent.

CHANGE OF ZONE NO. 14024
FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT
TO AGRICULTURAL DISTRICT
and
SPECIAL PERMIT NO. 721A,
TO ALLOW PROPANE STORAGE TANKS
ON PROPERTY GENERALLY LOCATED
AT 8801 W. HAVEN ROAD, EMERALD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 20, 2014

Members present: Beecham, Cornelius, Corr, Hove, Scheer, Weber and Lust; Harris and Sunderman absent.

Staff recommendation: Approval of the change of zone and conditional approval of the special permit.

There were no ex parte communications disclosed.

Staff presentation: **Paul Barnes of Planning staff** explained that the special permit request is for property located west of Emerald at the Farmer's Coop site. West Haven Road is to the north; there are buildings, grain elevators and other ag buildings existing on the site; the proposed area for above ground storage tanks for propane is located in the southwesterly part of the existing I-1 zoned property. A special permit is required for this use in the district.

Barnes further explained that in the mid-1970's, a special permit was approved covering only a part of the property, not including the I-1 property to the south. That special permit approved the construction of anhydrous ammonia tanks.

Barnes noted that this request was routed to other departments, including the Health Department, and the Health Department is recommending that a use such as this should be a minimum of 300 feet from occupied residential units. The nearest residential unit to the tanks is 515 feet.

Further, in reviewing the special permit, the Health Department noted that the adjacent zoning to the south and to the west is AGR and could allow for additional residential units if subdivided in the future. The Health Department suggested that a change of zone to AG would help minimize the potential impact for any additional residential units to be located near this site – thus the change of zone request from AGR to AG. The change of zone is in conformance with the Comprehensive Plan and is appropriate for this site. The owner uses the property for ag uses and plans to continue that use.

It was confirmed that there is one owner of all of the AGR property.

Corr inquired whether there is a railroad track to the north and the distance from this site. Barnes acknowledged that there is a railroad track to the north; however, he did not know the distance but it can be seen on the aerial photograph.

Beecham wondered whether there are any complications with ammonia and propane located near each other. Barnes advised that the question was asked and together on the same site was not an issue with the Health Department as long as they are located a minimum of 300' from residential.

Proponents

1. **Roger Kreifels, 8801 W. Haven Road**, testified as the applicant. He expressed appreciation to Paul Barnes and Sara Hartzell of Planning staff, whom he believes went out of their way to help with this application. The tanks shown on the aerial are 1,000 gallon anhydrous ammonia tanks that could be empty or full waiting for farmers to come pick them up. Kreifels stated that this application has been reviewed and approved by the State Fire Marshall, who is in charge of the anhydrous and propane.

With regard to the zoning change, Kreifels stated that the Coop owns all of the property for this purpose, and they do have the required setback from residential. The property includes some 30 acres. The Coop has been in business for 100 years and has an excellent safety record in the propane industry. He assured that anything that is done will be up to code and very safe.

Beecham inquired of the applicant whether there is anything that has to be done when dealing with a couple of different gases. Kreifels acknowledged that there is a minimum distance and flash points on different fuels. As far as the ammonia, he does not believe there is a setback required but there will be 50 to 100 feet between the two. He also responded that grain dust does not complicate any issues. The Coop has 60 locations in southeast Nebraska with this same type setup and has had no issues.

There was no testimony in opposition.

Staff questions:

Beecham inquired as to what the process or considerations would be if, at some point in the future, this land was sold off for development. Barnes acknowledged that it would require a zone change through the Planning Commission and City Council.

Beecham then wondered whether the recommendation from the Health Department would be considered as a "recommendation" or is there an actual regulation? Barnes pointed out that the Comprehensive Plan recognizes that there are hazardous materials and having

that type of use in proximity to a residential unit is not supported. In following the Comprehensive Plan, the staff would make a recommendation that is appropriate at that time.

CHANGE OF ZONE NO. 14024

ACTION BY PLANNING COMMISSION:

August 20, 2014

Hove moved approval, seconded by Weber.

Corr noted that the Commission normally sees changes of zone from AG to AGR and it is kind of refreshing to see the reverse.

Motion for approval carried 7-0: Beecham, Cornelius, Corr, Hove, Scheer, Weber and Lust voting 'yes'; Harris and Sunderman absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 721A

ACTION BY PLANNING COMMISSION:

August 20, 2014

Corr moved to approve the staff recommendation of conditional approval, seconded by Beecham.

Lust commented that this appears to be a good development for the property and a nice addition to the Coop's business plan.

Motion for conditional approval carried 7-0: Beecham, Cornelius, Corr, Hove, Scheer, Weber and Lust voting 'yes'; Harris and Sunderman absent. This is final action, unless appealed to the City Council within 14 days.

There being no further business, the meeting was adjourned at 1:15 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on September 3, 2014.